

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 AID-05 CEA-01 CIAE-00 COME-00
EB-08 EA-10 FRB-03 INR-10 NEA-11 NSAE-00 ICA-11
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USEEC

PARIS ALSO FOR OECD

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TAGS: EEC, SENV, ETRD
SUBJECT: US/EC NEGOTIATIONS ON TOXIC SUBSTANCES

REF: (A) BRUSSELS 10760 (B) STATE 144562 (C) BRUSSELS 4043

1. MISSION OFFICERS MET JUNE 13 WITH HEAD OF EC COM-
MISSION ENVIRONMENTAL SERVICES, MICHEL CARPENTIER AND
SENIOR MEMBERS OF HIS STAFF TO CONVEY USG RESPONSE TO EC
PROPOSAL TO NEGOTIATE BILATERAL AGREEMENT ON TOXIC SUB-
STANCES. CARPENTIER AGREED TO THE DATES AND FORMAT FOR
THE JUNE 29-30 MEETING ALTHOUGH HE WAS SURPRISED AND
DISAPPOINTED BY THE QUALIFIED RESPONSE FROM THE USG. HE
POINTED OUT THAT EXPLORATORY TALKS HAVE ALREADY TAKEN
PLACE ON TWO OCCASIONS. MOREOVER, HE NOTED THAT IT WOULD
BE DIFFICULT TO HAVE SOLELY TECHNICAL TALKS DUE TO THE
VERY IMPORTANT COMMERCIAL INTEREST INVOLVED. HE ALSO
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POINTED OUT THAT THE US-PROPOSED AGENDA INCLUDES POINTS
WHICH ARE BASICALLY POLITICAL.

2. CARPENTIER SAID THAT HE EXPECTED TRADE PROBLEMS TO
DEVELOP WITHIN A YEAR. THE EC WILL HAVE A DIRECTIVE ON
TOXIC SUBSTANCES IN THE AUTUMN WHICH WILL AFFECT NOT ONLY
EC COMPANIES BUT ALSO US FIRMS EXPORTING TO AND PRODUCING

IN THE EC. HE NOTED THAT THE US IS ALSO MOVING ON ITS OWN REGULATIONS. THEREFORE, CARPENTIER SAID, WE HAVE A CHOICE --EITHER TO BEGIN RELATIVELY EASY NEGOTIATIONS NOW BEFORE THE PROBLEMS APPEAR OR BE FORCED TO NEGOTIATE OVER MORE DIFFICULT PROBLEMS IN A LESS FAVORABLE ATMOSPHERE LATER.

3. WE POINTED OUT THAT OUR CURRENT INSTRUCTIONS PRECLUDE REFERRING TO THE JUNE 29-30 TALKS AS NEGOTIATIONS AND WE HOPE THAT THE EC WILL NOT CHARACTERIZE THEM AS SUCH. ON THE OTHER HAND, WE FEEL IT IS IMPORTANT TO MOVE AHEAD WITH THE TALKS, AND TO USE THE JUNE 29-30 MEETING TO IDENTIFY AREAS WHERE EARLY HARMONIZATION IS POSSIBLE AS WELL AS THE CONTEXT OF HARMONIZATION EFFORTS. WE ADDED THAT THE AGENDA PROPOSED BY WASHINGTON SEEMS TO BE FLEXIBLE AND OPEN ENDED ENOUGH TO PERMIT THE EC TO RAISE WHATEVER POINTS IT WISHES IN THIS REGARD.

4. CONCERNING EC PARTICIPATION, CARPENTIER SAID THAT COMPOSITION OF THE DELEGATION WOULD NOT BE DECIDED UNTIL THE JUNE 19 CONSULTATIVE MEETING WITH MEMBER STATES. HE EXPRESSED SOME DOUBTS OVER WHETHER IT WOULD BE WORTH HIS TIME TO ATTEND THE SESSIONS PERSONALLY IF THEY ARE STILL TO BE CONSIDERED TECHNICAL AND EXPLORATORY.

5. CARPENTIER ADDED THAT THE EC WOULD ALSO PROBABLY WISH TO RAISE THE QUESTION OF THE POWER OF STATES TO IMPLEMENT LIMITED OFFICIAL USE

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REGULATIONS MORE STRINGENT THAN THOSE OF THE FEDERAL GOVERNMENT.

6. PLEASE LET US KNOW THE TIME AND PLACE OF THE JUNE 19 MEETING SO THAT WE MAY INFORM THE COMMISSION.

7. COMMENT: THE MISSION CONTINUES TO BELIEVE THAT THE PRESENT SITUATION OFFERS A UNIQUE OPPORTUNITY TO REACH AGREEMENT WITH THE EC WHICH WOULD HELP AVOID POTENTIAL PROBLEMS OF GREAT MAGNITUDE IN THE TRADE AREA. WE RECOMMEND THAT WASHINGTON REEXAMINE THE PROPOSAL FOR A LIMITED BILATERAL AGREEMENT CONTAINED IN REF C, PARTICULARLY FROM THE TRADE POLICY POINT OF VIEW. WE BELIEVE AN AGREEMENT COULD BE FRAMED IN SUCH A WAY THAT OTHER INTERESTED PARTIES COULD SUBSEQUENTLY ASSOCIATE THEMSELVES WITH IT. IT MIGHT ALSO LATER BE FOLDED INTO A MORE COMPREHENSIVE MULTILATERAL AGREEMENT ON TOXIC SUBSTANCES.

8. IT SEEMS CLEAR THAT THE EUROPEANS ARE PREPARED TO NEGOTIATE ON HARMONIZATION. I HOPE WE DO NOT MISS THIS OPPORTUNITY. HINTON

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